

BLUE MOUNTAIN TRANSLATOR DISTRICT

P.O. Box 3005, LaGrande Oregon 97850 Ph. 1-800-886-7169 - - Supplying Over The Air TV To Eastern Oregon since 1975

COMMENTS FOR THE RECORD / FCC MM Docket 87-268

Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service:

Office of the Secretary
Federal Communication Commission
1919 M Street, N.W.
Washington, D.C. 20554

JULY 10, 1996

GENERAL COMMENTS PRIOR TO DETAILED COMMENTS ON PROPOSED RULES.

THE BLUE MOUNTAIN TRANSLATOR DISTRICT IS: A PUBLIC CORPORATION CHARTED AS A "SERVICE DISTRICT" AS SET FORTH IN OREGON STATUTES. THE DISTRICT MANDATE IS TO PROVIDE "OVER THE AIR TV" AT THE LOWEST POSSIBLE COST TO PATRONS OF THE DISTRICT.

THE DISTRICT SERVES EASTERN OREGON COUNTIES RUNNING FROM THE COLUMBIA RIVER TO THE NEVADA BORDER. THE TERRAIN IS MOUNTAINOUS, WITH GREAT DISTANCES BETWEEN TOWNS, AND A POPULATION WHO, FOR THE MOST PART ARE LOCATED IN AREAS WHICH CAN NOT RECEIVE DIRECT COMMERCIAL STATION BROADCASTS.

TRANSLATORS ARE THE ONLY WAY [WITH THE EXCEPTION OF FOR PAY SATELLITE, AND CABLE SYSTEMS IN TOWNS] FOR THE RURAL PEOPLE TO HAVE TV AVAILABLE TO THEM.

AT PRESENT TIME THE "SERVICE FEE" FOR THE DISTRICT IS \$50 A YEAR. A SMALL SUM COMPARED TO DELIVERY OF TV BY ANY OTHER MEANS.

THE DOCKET NOTICE ON PAGE 29, SHOWS THERE ARE MORE TRANSLATOR STATIONS AND UHF AND VHF LOW POWER TELEVISION STATIONS THAN THERE ARE COMMERCIAL AND EDUCATIONAL TELEVISION STATIONS. IN OTHER WORDS 18.7% ARE COMMERCIAL & EDUCATIONAL; 81.2% ARE TRANSLATOR & LOW POWER TV. (FIGURES ROUNDED TO 99.9% TOTAL).

PAGE 29 OF THE COMMISSION DOCKET STATES: "THE IMPACT OF ACTIONS TAKEN IN THIS PROCEEDING ON SMALL ENTITIES WOULD ULTIMATELY DEPEND ON THE FINAL DECISIONS TAKEN BY THE COMMISSION. HOWEVER, THE COMMISSION, IN TAKING FUTURE ACTION WILL CONTINUE TO BALANCE THE NEED TO PROVIDE THE PUBLIC WITH AFFORDABLE, FLEXIBLE, ACCESSIBLE DIGITAL BROADCAST TELEVISION SERVICE] WITH THE ECONOMIC AND ADMINISTRATIVE INTERESTS OF THE AFFECTED INDUSTRIES."

COMMISSIONER QUELLO WRITES: "IT (DIGITAL TV) PROMISES TO PROVIDE "TELEVISION PLUS" THE ABILITY TO PROVIDE MULTIPLE CHANNELS OF VIDEO

¹ Realistically speaking, the TV industry and Wall Street are doing quite well even without DTV at this time. However, if Translators and Low Power TV are placed second in priority in allocation of "freed up spectrum" it would be difficult for the American Public to continue to have first priority on "free" or low cost TV.

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PROGRAMMING ON ONE 6 MHZ CHANNEL, THE ABILITY TO BECOME INTEROPERABLE WITH COMPUTERS, AND A WIDE ARRAY OF OTHER NEW SERVICES THAT WE CANNOT EVEN FORESEE AT THIS TIME."

COMMISSIONER NESS NOTES: "MILLIONS OF CONSUMERS DEPEND UPON BROADCASTING FOR THEIR NEWS AND ENTERTAINMENT. YET CONSUMERS ARE MOSTLY UNAWARE THAT, IN A DECADE OR SO, THEIR ANALOG TELEVISION SETS AND VCR'S MAY BECOME OBSOLETE. THAT IS WHY THE TRANSITION TO DIGITAL BROADCASTING MUST BE UNDERTAKEN IN A MANNER THAT ENSURES CONTINUED SERVICE TO ALL, INCLUDING THOSE WHO CANNOT -- OR CHOOSE NOT -- SUBSCRIBE TO PAY SERVICES. (EMPHASIS ADDED)

COMMISSIONER CHONG EXPRESSES OUR COUNTRY'S FUNDAMENTAL PRINCIPALS WHEN CONSIDERING ADOPTION OF RULES CONCERNING DIGITAL TV: "FIRST, I WILL BE CONSIDERING HOW TO ADOPTION OF A DIGITAL BROADCAST STANDARD WILL HELP TO PRESERVE A FREE, UNIVERSAL OVER-THE-AIR TELEVISION SERVICE FOR ALL AMERICANS. - - - THE SECOND FUNDAMENTAL PRINCIPLE THAT I WILL CONSIDER IS THAT THE TRANSITION TO DIGITAL BROADCASTING MUST BE ACCOMPLISHED IN AN ORDERLY MANNER WITH THE CRITICAL ASPECT BEING THE NEEDS OF CONSUMERS. (EMPHASIS ADDED)

ECONOMIC CONSIDERATIONS

THE ACCEPTED REASONS TO CHANGE TO DIGITAL TV ARE: 1. ABILITY TO SUPPLY MORE CHANNELS TO THE CONSUMER, 2. PROVIDE FOR INTERACTION BETWEEN COMPUTERS AND THE TV SYSTEM, 3. FOSTER MORE COMPETITION IN THE TV MARKET PLACE, (P13, 17, P24, CHAIR HUNDT COMMENTS P1). ALL OF THE REASONS ASSUME THAT THE PUBLIC WILL PURCHASE AND USE THE NEW DTV AND THEREFORE WILL ACCEPT THE FACT THAT PRESENT EQUIPMENT WOULD BECOME OBSOLETE UNLESS "BACKWARD COMPATIBILITY" IS REQUIRED FOR THE NEW SYSTEM(S).

IRRESPECTIVE OF THE COST TO THE NETWORK STATIONS, THE COST FOR OVER 80% OF THE STATIONS SUPPLYING "OVER THE AIR TV" [TRANSLATORS & LOW POWER TV] WOULD IN MANY CASES BE PROHIBITIVE. THIS WOULD RESULT IN STATION(S) NOT BEING ABLE TO CONTINUE IN SERVICE DUE TO THE INABILITY TO FUND REPLACEMENT OF EXISTING EQUIPMENT.

IN ADDITION IT IS QUESTIONABLE THAT THE AMERICAN PUBLIC WOULD ACCEPT A CONVERSION TO DTV IF THEY REALIZED THAT THE CHANGE WOULD MEAN THAT PRESENTLY OWNED EQUIPMENT WOULD NO LONGER BE USABLE.

IN LIGHT OF THESE CONSIDERATIONS ANY DTV SYSTEM MUST BE "BACKWARD COMPATIBLE WITH EXISTING EQUIPMENT". TO NOT REQUIRE SUCH COMPATIBILITY WOULD MEAN THE PURCHASE OF NEW TV EQUIPMENT BY ALL WHO SUPPLY AND USE PRESENT TV TECHNOLOGY.

IT MAKES LITTLE DIFFERENCE WHETHER THE "BACKWARD COMPATIBILITY" IS ACHIEVED BY DECODERS (P. 7 & 8) OR ANY OTHER MEANS. IN RESPONSE TO THE QUESTION OF A "COMPLETE RECORD" FOR CHOOSING A COURSE OF PROVIDING CONSUMER BENEFITS (P. 12) THE TYPE OF STANDARDS SUCH AS "RESTRICTIVE" OR "PERMISSIVE" WOULD MAKE A MATERIAL DIFFERENCE.

RESTRICTIVE STANDARDS WOULD REQUIRE EVERYONE TO USE THE ATSC DTV PROPOSAL AS THE BASE FOR THEIR DTV SYSTEMS. PERMISSIVE STANDARDS WOULD PROVIDE THAT AS LONG AS THE SYSTEM MEETS SPECIFIC FUNCTIONAL AND TECHNOLOGICAL CRITERIA IT COULD BE USED.

THE PERMISSIVE STANDARDS WOULD MORE FULLY ALLOW "MARKET PLACE" AND CONSUMER CHOICE TO DETERMINE WHICH DTV SYSTEM WOULD BE USED. ONLY THOSE SYSTEMS THAT PROVIDE A PROFIT WOULD PREVAIL.

AGAIN, THE STANDARD MUST REQUIRE THE CONSUMERS RECEIVER [EQUIPMENT] BE ABLE TO FUNCTION WITH ANY PRESENT TV SIGNAL(S) AS WELL AS ANY NEW DTV SIGNAL. [THIS COULD MEAN THAT A LOW COST CONVERTER WOULD BE AVAILABLE TO THE VIEWING PUBLIC.]

CHAIRMAN HUNDT IN HIS REMARKS STATED "WE OUGHT TO HAVE A STANDARD THAT GUARANTEES INTEROPERABILITY BETWEEN TVS AND COMPUTERS." WHAT IS NOT ADDRESSED IS WHETHER THE INTEROPERABILITY WOULD DEAL ONLY WITH HARD WIRED SYSTEMS SUCH AS CABLE, OR ALSO INCLUDE OVER THE AIR TRANSMISSIONS.

IN ANY EVENT, TO ACCOMPLISH CHAIRMAN'S HUNDT'S GOAL, ANY STANDARD SHOULD REQUIRE THAT THE STANDARD CRITERIA APPLY TO ANY DTV TRANSMISSION IRRESPECTIVE OF SOURCE OR METHOD OF SUPPLY TO THE PUBLIC.

IN RESPONSE TO THE QUESTION (15): " ARE THERE OTHER UNIQUE CHARACTERISTICS (SUCH AS THE UBIQUITOUS NATURE OF TV AND THE RELIANCE AMERICANS PLACE ON IT AS AN INFORMATION SOURCE), OR PUBLIC POLICY GOALS (SUCH AS THE SWIFT TRANSITION TO REGAIN SPECTRUM AND REDUCE COSTS) WHICH DISTINGUISH TELEVISION BROADCASTING SUCH THAT MANDATING A STANDARD IS ESSENTIAL TO THE PROVISION OF THE SERVICE?

THE ANSWER IS YES! TRANSLATORS FOR THE MOST PART PROVIDE OVER THE AIR TV FOR PEOPLE WHO HAVE NO OTHER SOURCE OTHER THAN FOR MORE COSTLY DELIVERY SYSTEMS. [SATELLITES] FURTHER, MANY AREAS RESIDENTS AND BUSINESSES DEPEND UPON TV AND OR RADIO FOR EMERGENCY BROADCAST TRANSMISSIONS (EBT). AS NOTED ABOVE, THE COST TO MAINTAIN THIS CAPABILITY WITHOUT "BACKWARD COMPATIBILITY" FOR EXISTING EQUIPMENT WOULD AND COULD BE PROHIBITIVELY EXPENSIVE.

A COLLIERY ISSUE CONCERNS: "RECAPTURED SPECTRUM". IT MUST BE POINTED OUT THAT UNLESS TRANSLATORS ARE ABLE TO CONTINUE TO USE THE SPECTRUM USED AT TIME OF THE TRANSITION TO DTV, EXTENSIVE EXPENSE WILL BE ENGENDERED TO PURCHASE NEW EQUIPMENT. THE "RECAPTURE" OF THE PORTION OF THE SPECTRUM NOW USED BY TRANSLATORS IN IMPORTING SIGNALS INTO AN AREA ARE OF CRITICAL IMPORTANCE. WITHOUT THE USE OF EXISTING EQUIPMENT IT IS LIKELY THAT THE "EMERGENCY BROADCAST MESSAGES" FOR THE LOCAL AREA WOULD BE LOST TO THE TRANSLATOR VIEWERS.

SPECIFIC CONSIDERATION MUST BE GIVEN TO TAKING SPECTRUM AWAY FROM TRANSLATORS. IF SPECTRUM IS TAKEN AWAY IT COULD MEAN THAT THE TRANSLATOR WOULD NO LONGER BE ABLE TO IMPORT AND BROADCAST THE IMPORTED SIGNALS. IT MUST BE POINTED OUT THAT TRANSLATORS COMPRISE 59% OF THE "OVER AIR TV STATIONS".

³The FCC in previous commentaries has acknowledged this issue. With the adoption of DTV standards the issue now is of paramount importance. The taking of any links of the translator chain of transmission and retransmission of commercial signals would result in the inability of the translator service to continue to operate. If this proceeding is not the appropriate forum for in depth consideration of this matter, then it must be considered at a later date.

RECEPTION AND PERFORMANCE

IN THE ISSUE OF HAVING THE DTV RECEIVER COMPATIBLE WITH BROADCAST AND CABLE STANDARDS, CONSIDERATION MUST BE MADE FOR TRANSLATORS WHICH BY DEFINITION ARE RETRANSMISSION STATIONS. IF TRANSLATORS ARE TO BE A FULL PARTNER IN HDTV SYSTEMS, THEY ALSO MUST BE ABLE TO RECEIVE INTERACTIVE SIGNALS FROM TRANSLATOR VIEWERS. OR, THE VIEWER WOULD USE PHONE LINES FOR INTERACTIVE ENDEAVORS.

UNDER THESE CIRCUMSTANCES, TRANSLATORS MUST BE ABLE TO EXERCISE THE AUTHORITY GRANTED IN THE HOME VIEWERS SATELLITE ACT AND FEDERAL ADMINISTRATIVE RULES 17 § 119. THIS IS ESPECIALLY SO WITH 60 PERCENT OF TV VIEWING CONSISTING OF BROADCAST PROGRAMMING UNDER RETRANSMISSION AGREEMENTS.

SUMMARY

STANDARDS ADOPTED BY THE COMMISSION MUST TAKE INTO CONSIDERATION THE SPECIFIC NEED OF "NOT FOR PROFIT" TRANSLATOR STATIONS. SUCH STATIONS MUST BE TREATED ON PAR WITH THE COMMERCIAL STATIONS WHO USE TRANSLATORS TO EXTEND THEIR AREA OF COVERAGE. THIS IS ACCOMPLISHED BY THE GRANTING OF RETRANSMISSION RIGHTS TO THE TRANSLATOR SYSTEM. EQUALITY IN ALLOCATION OF SPECTRUM, ABILITY TO CONTROL NETWORK PROGRAMMING AS PROVIDED BY LAW AND RULE WHENEVER THE TRANSLATOR SUPPLIES NETWORK PROGRAMMING ARE SERIOUS MATTERS THAT MUST BE CONSIDERED IN THE ADOPTION OF STANDARDS FOR DTV.

TECHNICAL STANDARDS MUST PROVIDE FOR THE ABILITY FOR TRANSLATORS TO INTERACT WITH THE NEW DTV SYSTEMS AND TAKE ADVANTAGE OF SUCH ABILITY. THIS SHOULD INCLUDE THE ALLOCATION OF "FREED UP SPECTRUM" AND ABILITY TO HANDLE "INTERACTIVE" PROGRAMMING.

WE APPRECIATE THIS OPPORTUNITY TO RESPOND TO THIS RULE MAKING PROCEEDING. PLEASE KEEP US INFORMED WHEN ADDITIONAL PROCEEDINGS ARE UNDERTAKEN.

RESPECTFULLY SUBMITTED,



STEPHEN DONNELL
FOR BMTD, BY APPROVAL OF THE PRESIDENT AND BOARD OF DIRECTORS